

Remarks

Reconsideration of the above identified application in view of the following remarks is respectfully requested. Claims 1, 3-6, 31 and 33-47 are pending in this application.

In the Office Action, Claims 1, 3-6, 31 and 33-47 were rejected under 35 U.S.C. §102(b) over European Patent Application No. 0 107 333 to Technicon Instruments Corporation (hereinafter "Technicon").

Technicon shows a system that first mixes the samples and reagents in reservoirs 40, 42 and 44 (FIG. 1A), and then injects each sample/reagent mixture through the central inlet 26 of a flow cell 12 (FIG. 1B) and simultaneously aspirates a diluent sheath through a lateral inlet 28. Technicon states clearly on page 7 that the sample and sheath streams introduced at the inlets 26 and 28, respectively, "form a pair of concentric, substantially unmixed streams, with the sample stream at the centre."

In contrast, the claimed invention pumps each of a plurality of reagent-mixture components in a respective stream at a respective predetermined flow rate, and then combines at least one reagent-mixture component stream into a stream of at least one other reagent-mixture component for mixing the plurality of reagent-mixture components into a combined reagent-mixture stream, as recited in independent claims 1 and 31. Similarly, independent claim 42 specifically recites means for pumping each of a plurality of reagent-mixture components in a respective stream at a respective flow rate; and means for introducing at least one reagent-mixture component into a stream of at least one other reagent-mixture component to mix the plurality of reagent-mixture components into a combined reagent-mixture stream.

Technicon does not teach or suggest such a system. Rather, the Technicon system mixes the reagent-mixture components in the reaction vessels 40, 42 and 44 in the conventional manner, and then pumps the pre-mixed reagent mixtures from the reaction vessels through the flow cell. The pre-mixed reagent mixtures in the three reaction vessels 40, 42 and 44 are not pumped simultaneously through the flow cell, but rather are pumped separately through the flow

cell such that the different reagent mixtures in the reaction vessels do not intermix with each other and can be separately analyzed. Moreover, in Technicon, the reagent-mixture from each reaction vessel 40, 42 and 44 is not combined with the sheath stream in the flow cell, but rather the system is designed to prevent these two streams from intermixing until after the reagent mixture is analyzed.

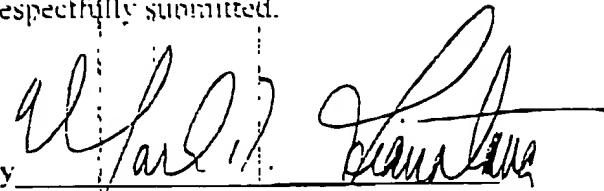
Accordingly, independent Claims 1, 31, 42 and each of the remaining claims depending therefrom distinguish the subject invention from Technicon and withdrawal of the rejection is respectfully requested. Because Claims 346, 33-41 and 43-47 each depend from, and therefore include all of the limitations of one of these independent claims, it is respectfully submitted that these dependent claims likewise are unobvious over Technicon for the same reasons as the independent claims, and for reciting additional patentable subject matter.

If the Examiner has any questions concerning any of the issues herein, or otherwise if it would facilitate the examination of this application, the Examiner is respectfully urged to call the undersigned at the telephone number below.

No fee in addition to that submitted herewith is believed to be required; however, if an

additional fee is required, or otherwise if necessary to cover any deficiency in fees paid.
authorization is hereby given to charge our deposit account no. 50-1631.

Respectfully submitted,

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